



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/558,449

10/05/2006

Peter Wanke

AP10704

6117

7590

10/16/2008

Craig Hallacher  
Continental Teves  
One Continental Drive  
Auburn Hills, MI 48326

EXAMINER

ALGAHAIM, HELAL A

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/558,449	<b>Applicant(s)</b> WANKE ET AL.	
	<b>Examiner</b> HELAL A. ALGAHAIM	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **12-22** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the different process models are not explained in details in the specification. Examiner not clear on what these process models are. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims **15-18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims **15-18** recite "a control intervention". Examiner not clear when and how the control intervention are performed.
5. claim **15** recites "unlimited control". Applicant needs to be more specific.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3663

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Amberkar** (**Pub. No.: US 2003/0042790 A1**).

Regarding claim **12**: **Amberkar discloses** a method for controlling a process comprising:

determining a control deviation by comparing a nominal value with an actual value of a control variable (**see at least abstract and par. 0025**).

determining a need for control based on the determined control deviation (**see at least par. 0041**).

determining an actual value of the control variable by way of a first process model (**see at least par. 0033**).

Art Unit: 3663

verifying the need for control by determining control requirements based on values of the control variable, wherein the control requirements are defined by way of additional process models and linked to each other by logical operations (**see at least abstract, par. 0007par. 0035**) .

13. The method according to claim 12, wherein the additional process models are produced with various subsets of a multitude of measured variables (**see at least par. 0031 and 0032**).

14. The method according to claim 12, wherein a need for control (20) is found out only when there is a need for control (20, 30, 40) for the majority of the additional process models (**see at least par. 0035**).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **15-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Amberkar (Pub. No.: US 2003/0042790 A1) in view of Brachert et al (Patent Number: 5790970)**.

Regarding claim **15-18** : Amberkar does not explicitly disclose the limitations in claims 15-18. However, Brachert et al discloses them (**see at least col. 2, lines 25-32; col. 8. lines 30-44**). **It would have been obvious to one of ordinary skill in the art at the time of the invention to**

Art Unit: 3663

**incorporate the teaching of Brachert et al in Amberkar for a better control of vehicle movement.**

Regarding claims **19-21**: Amberkar does not explicitly disclose the limitations in claims 15-18. However, Brachert et al discloses them (**see at least fig. 2**). **It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Brachert et al in Amberkar for a better control of vehicle movement.**

Regarding claims **22**: Amberkar does not explicitly disclose the limitations in claims 15-18. However, Brachert et al discloses them (**see at least col. 3, lines 14-20**). **It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Brachert et al in Amberkar for a better control of vehicle movement.**

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELAL A. ALGAHAIM whose telephone number is (571)270-5227. The examiner can normally be reached on Monday - Friday from 7:30 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A. A./  
Examiner, Art Unit 3663

**/Jack W. Keith/**

**Supervisory Patent Examiner, Art Unit 3663**